

Bill 64 (2018)
Additional Testimony

ZH

From: CLK Council Info
Sent: Thursday, October 18, 2018 7:50 AM
Subject: Planning Speaker Registration/Testimony

Speaker Registration/Testimony

Name Michael Coulson
Phone 8088649528
Email michaelcoulson@mac.com
Meeting Date 10-18-2018
Council/PH Committee Planning
Agenda Item Bill 64
Your position on the matter Support
Representing Self
Organization
Do you wish to speak at the hearing? No

Written Testimony Honorable representatives, please support Bill 64. Our permitting and planning department is in dire need of an overhaul. It is squashing economic growth in this state. We new to stream line the permit process now. Thank you for your consideration.
Sincerely,
Michael Coulson

Testimony
Attachment
Accept Terms and Agreement 1

From: CLK Council Info
Sent: Wednesday, October 17, 2018 4:20 PM
Subject: Zoning and Housing Speaker Registration/Testimony
Attachments: 20181017161950_DPP-signed.pdf

Speaker Registration/Testimony

Name	Michael Fairall
Phone	808-306-1992
Email	mike@mokuluahpb.com
Meeting Date	10-18-2018
Council/PH Committee	Zoning
Agenda Item	Bill 64
Your position on the matter	Support
Representing	Organization
Organization	Mokulua Woodworking, Ltd.
Do you wish to speak at the hearing?	No
Written Testimony	
Testimony Attachment ✓	20181017161950_DPP-signed.pdf
Accept Terms and Agreement	1



1156 Lunaapono Place
Kailua, HI 96734
808-263-9663
www.mokuluahpb.com

October 16, 2018

Zoning and Housing Committee
Supporting Testimony for Bill 64

To Whom It May Concern:

I am writing in support of Bill 64, an obvious and urgent matter that seemingly should not even be an issue given the previous measures implemented to relieve the burden, those being the "e-file" system and third-party review. I am also challenging the integrity of the Department of Planning and Permitting, demanding that this government institution operate with honesty and fairness. This nonsense has gone on for too long, I have been witness to corrupt dealings within the department and I am disappointed with the lack of oversight and accountability. We, as taxpayers and as an industry, have been let down by the City and County, we have been misled and misrepresented, our sub-contractors, our employees and our clients have paid the price, both monetarily and with wasted time through no fault of our own. It is imperative that the DPP be held accountable for overreaching and underperforming, an extreme example of failed bureaucracy that negatively impacts the economy and everyone reliant on this government service.

Currently, we have multiple projects in permitting and whether they are "e-filed", walked-in or processed through third-party, the time-frame is in excess of 10 months to a year, regardless of size or stature. We have seen everything from delay tactics on the side of the DPP, inclusive of ridiculous comment requests to inter-departmental oversights to plain and simple "playing dumb". These extensive permitting times have resulted in severe schedule delays, costing homeowners thousands of dollars, preventing loan processing and often leaving builders scrambling for jobs to keep employees working and often resulting in lay-offs. The strain is felt day in and day out, it has become a disgraceful precedent and topic of conversation with any prospective homeowner. The on-going lack of accountability within the DPP is largely to blame for residents electing to skirt the entire permit process altogether, yet, the DPP aims to hold those people accountable, laughable irony.

The City and County has failed to provide a fair and balanced service that citizens are entitled to and pay for. The time for making excuses, offering empty solutions and engaging in deceitful practice is over. We have suffered long enough, the time for an honest and productive Department of Planning and Permitting is now.

PLEASE VOTE TO ADVANCE BILL 64.

Mahalo Nui Loa,

Michael Fairall and the Mokulua HPB Ohana

BC#28242

From: CLK Council Info
Sent: Wednesday, October 17, 2018 4:23 PM
Subject: Zoning and Housing Speaker Registration/Testimony

Speaker Registration/Testimony

Name Gazelle Garner
Phone 8084454625
Email gazelle@edbhawaii.com
Meeting Date 10-18-2018
Council/PH
Committee Zoning
Agenda Item Bill No. 64, RELATING TO BUILDING PERMITS
Your position on
the matter Support
Representing Self
Organization
Do you wish to
speak at the
hearing? No

Written
Testimony

To Chair Pine, Vice Chair Ozawa and members of the Committee,
We need an expedited process for building permits. The economic ramifications of owners not able to build, renovate, improve on their property due to lengthy DPP review times are wide spread. We are seeing that delays in the issuance of residential building permits have caused major financial impacts on our clients. One family lost their construction loan because the permitting process took exponentially longer than what they expected. It was incredibly difficult for them to obtain the loan in the first place, this was a major blow and major setback for them. They are still, to this day, 13 months later, waiting for the permit approval. It is for a less than 2500 sf 2-story home. They are left paying a mortgage on a lot on which they can not build, and paying rent for a house they do not own because DPP is dragging their feet. This is after they had been told they were #30 on the permit issuance list in July of this year. And yet, here we are, 3 more long months later receiving another round of comments for items that were approved by one department and now being questioned by another department. The lack of inter-communication within the various departments and unwillingness to resolve conflicts of opinion within the branches is staggering and quite honestly infuriating.

Comments that are issued by reviewers are often vague or unclear, and when we attempt to contact the reviewer for clarity, phone calls or emails are not returned or acknowledged. Even in-person attempts to resolve the question are a waste of time. One reviewer in particular flat out refused to leave her desk to come speak with me face to face. I asked politely 3 times, the front desk clerk reluctantly returned to the reviewer's desk all 3 times, each time with a different excuse or explanation which all boiled down to "she said no, she will not come out to speak with you". Unbelievable. And quite honestly unacceptable. Who is paying her salary? I'm pretty sure we, the taxpayers, do.

The Third Party Review system was approved by DPP and was intended to speed up the review process. In theory. This has failed miserably. A client of ours has been in review process for 12 months, WITH TPR. It is an extra (and often hefty) expense owners are paying up front for a service that is being thwarted by DPP. Building Review Branch has been the slowest to finalize the review cycle. Which, incidentally TPR is said to have already covered in their review and approval. Very confusing, and the clients are left feeling like they have been duped into paying for a service that DPP does not recognize. Many homeowners are saying they would rather forego the permitting process and build illegally because the system is so broken. This means the state is missing out on collecting building permit fees, tax records are incorrect, assessed value of homes are undervalued by City & County as they do not reflect the actual (and increased) value of a home, and property taxes are lower than they ought to be. That's potentially a lot of revenue not being captured by the State. All because of the bottleneck that is DPP. The permitting process needs to be fixed immediately to prevent further financial hardship and delays for all who are abiding by the required process. The lack of response from DPP employees (Reviewers in particular) and the incredibly long review cycles are inexcusable. The City should focus on the inspection process during and after construction to ensure compliance with the Building Codes. Owners are responsible for rectifying and addressing any violations, and if they do not, the City could revoke the permit and have all improvements removed from the property. We are in strong support of Bill No. 64, and appreciate the opportunity to provide our comments on this bill.

Testimony

Attachment

Accept Terms and
Agreement 1

From: CLK Council Info
Sent: Wednesday, October 17, 2018 4:56 PM
Subject: Zoning and Housing Speaker Registration/Testimony

Speaker Registration/Testimony

Name Daniel Curran
Phone 8082228219
Email dancurran@alum.mit.edu
Meeting Date 10-18-2018
Council/PH Committee Zoning
Agenda Item 6
Your position on the matter Support
Representing Self
Organization
Do you wish to speak at the hearing? No

Written
Testimony

I am in support of anything that can be done to speed up the building permit process. Not only for single and two-family dwelling but all projects. The delays are costing individuals and companies a lot of money waiting for approvals. There is a third party review process but this does not deal with the time it takes at BWS and zoning as well as the civil engineering agencies. Previously there were courtesy inspections which allowed continuing while in the process with some approvals already received but currently there is no provision to continue with a project and it is taking upwards of 6 months to receive permits. Some of the foolish things that need to be done are having the trenching permit in order to get the permit that you need for the trenching permit. (there is a waiver form for this but it wastes time). The two worst agencies are zoning and BWS. Something needs to happen on this. If something is not built to the final approval then the city should enforce the removal or conformance. Thank you

Testimony
Attachment

Accept Terms and Agreement 1

From: CLK Council Info
Sent: Wednesday, October 17, 2018 10:48 PM
Subject: Zoning and Housing Speaker Registration/Testimony

Speaker Registration/Testimony

Name Damon Flood
Phone 8082852084
Email damon@alapaibuilders.com
Meeting Date 10-18-2018
Council/PH Committee Zoning
Agenda Item Bill 64(2018)
Your position on the matter Support
Representing Organization
Organization Alapai Builders Inc.
Do you wish to speak at the hearing? No

To Members of the Committee on Zoning and Housing:

We support Bill 64(2018) Allowing for an expedited process for building permits for one- and two-family dwellings. The current delays are grotesque and negatively impacting small businesses and homeowners. The City and County of Honolulu must also see that we are in crisis mode and something needs to bring down these delays immediately, or not only will small business suffer, but the City and State will also suffer in the long run as homeowners turn to other "options" such as cash builders that feed an underground economy.

Written
Testimony

The current delays in the permitting process are harmful to our small business. Our whole family income comes from our contracting firm. We are a husband and wife both employed by our business. We may not be one of the largest firms, we employ five additional employees. Three of them are also the sole providers for their families. So our small business supports four families entirely. This year in particular has been a struggle as our schedule has been impacted. Jobs are continuously pushed back due to the length of time it takes to obtain permits. We struggle to keep our crew working and take on small repair projects just to keep the men working and we have felt it in our bottom line.

In our business things change quickly. If we have a signed contract for a project and the permit takes over 6 months to obtain, material prices go up in that time. We just got notice from one of our material houses to expect price increases due to tariffs. However we have to provide pricing to our clients up front in order to get the contract signed. In the extreme permit delay, the prices are increased so we feel it directly in loss to our gross profit. We also have not been able to offer wage increases to our employees in the effort to keep labor

stable over the unacceptable time it takes between a signed contract and issue of permit to begin the work. Since the work is bid on current labor rates, we are hesitant to increase wages for our crew, because again, we will feel the loss to our gross profit due to the long time frame between the bid and the commencement of work. A shorter permit process would help us to mitigate this.

In addition to financial hardship, the delays in permits are frustrating our clients and negatively impacting our relationships with our clients. Some of our repeat clients are shocked by the current delays and also frustrated with our inability to do anything about it. We have a very valuable client who would like her project completed by the end of the year. We have planned, yet are unable to start her project. She is currently living in conditions that are not pleasing to her. She checks in with us frequently and our inability to move forward without a permit is hurting her trust in us. We work almost exclusively in residential alterations and additions. We work with homeowners that trust us to do work on their biggest asset. Many families are changing their living space to accommodate growing children, aging parents or addition of adult children due to housing hardships. These needs are immediate, yet we can't service our clientele in a timely manner and this affects their quality of life and in turn makes them frustrated with us.

This frustration will lead homeowners to look to other options in their desperation to get their projects complete. If a firm, such as ours that is following the rules, is not producing results, homeowners are becoming more and more willing to look for options that will circumvent the "permitting obstacle". What we mean is that they will look to unlicensed "cash" persons who are willing to complete the work without a permit. We have been asked to work "without permit" by our clients because they just can't wait. And if we say no? They will go elsewhere. Timing of some of the alterations we do are most important to our homeowners. An example of this, a family friend who asked us to do unpermitted work to her home because she has plans submitted for a permit and has been waiting over a year. Her children are teen and almost teen and no longer able to share bedroom space as they are opposite sex. She frustrated to no end.

The City and State will also lose if the delays push people to look to seeking those who work in a cash underground economy. They will have to increase enforcement and lose income because people who work for "cash" don't pay for taxes and licenses and permit fees. In our experience, most people are reasonable and will chose to work with licensed contractors within the rules and guidelines. They see the benefits of this. However, when the delays are so unacceptable and timing is a very pushing element for a home alteration, it is not only feasible to assume, but we have anecdotal evidence that in a time crunch, homeowners will go with whomever is willing to get the work done in the desired time frame. The delays are so bad at this current time that homeowners are willing to take the risk. This is what makes this a crisis. If the situation is pushing people to work outside the current system to meet their needs, the system needs to be changed very quickly, before a culture of circumventing the process sets in.

What can be done? It may require cost to increase staff, systems and training in the DPP to keep to a 60 day commitment. However, it is a proactive solution-oriented cost. The loss of economic growth of our industry which impacts tax income to our State; the loss of property tax if homes are improved without permits; the loss of economic activity in our state as homeowners go underground; the loss of small businesses, like ours, that struggle to exist and provide much needed high earning jobs will have a higher impact in the long run. We need to avoid a culture, where homeowners seek to avoid the process because it is

unsurmountable. We need to react swiftly to bring in these delays so that following the process IS the culture. This serves to benefit the most people. Members of the Comittee on Zoning and Housing, we hope that our testimony sheds some light on this and influences you to vote in support of Bill 64(2018) Allowing for an expedited process for building permits for one- and two-family dwellings.

Sincerely,

Damon Flood
Carleen Niimi

Co-owners, Alapai Builders

Testimony
Attachment

Accept Terms
and Agreement

1

From: CLK Council Info
Sent: Wednesday, October 17, 2018 10:58 PM
Subject: Zoning and Housing Speaker Registration/Testimony

Speaker Registration/Testimony

Name Christine Otto Zaa
Phone 8087379319
Email higooodneighbor@gmail.com
Meeting Date 10-18-2018
Council/PH Committee Zoning
Agenda Item Bill 64
Your position on the matter Oppose
Representing Self
Organization
Do you wish to speak at the hearing? No

Aloha Chair Pine and Members,

While well intended, I oppose Bill 64 as written. This bill may have the unintended consequence of expediting the permit process for monster builds, which the DPP also opposed for the same reason when it was first heard in committee.

Written
Testimony

Expediting permits makes perfect sense for builds that have minimal impact in size, scale and use for the residential district. Permits for larger builds, that will have a bigger impact on the neighborhood, should be examined more carefully. The data our group has gathered shows that 92.6% of residential properties islandwide fall at or below a 0.5 FAR. And 96.3% fall at or below a 0.6 FAR. Amending Bill 64 to include the following language will not impede the majority of people building "normal-sized" homes or those building to code.

- Permits shall be expedited within 30-60 days if the dwelling(s) has a FAR of 0.5 or less. Subsequent permits cannot be applied for to increase dwelling size to circumvent the good intent of this bill.
- If work performed under the permit issued does not meet code and plans at final inspection, NO VARIANCES will be granted and work must be corrected to meet code and plans.

And for the record, I personally understand the frustration that can come with the permitting and building process. My family and friends are also in the building trades so I support measures to ease the process for those building responsibly. But I oppose measures that make it easy for those building irresponsibly.

Thank you for your time and consideration.

Christine Otto Zaa

Testimony

Attachment

Accept Terms
and Agreement

1

From: CLK Council Info
Sent: Wednesday, October 17, 2018 11:02 PM
Subject: Zoning and Housing Speaker Registration/Testimony

Speaker Registration/Testimony

Name	Shawn Zaa
Phone	8087379319
Email	szaa1@gmail.com
Meeting Date	10-18-2018
Council/PH Committee	Zoning
Agenda Item	Bill 64
Your position on the matter	Oppose
Representing Organization	Self
Do you wish to speak at the hearing?	No
Written Testimony	I oppose Bill 64 AS WRITTEN and recommend additional language to prevent unscrupulous builders from taking advantage of our laws and processes.
Testimony Attachment	
Accept Terms and Agreement	1

From: CLK Council Info
Sent: Wednesday, October 17, 2018 11:04 PM
Subject: Zoning and Housing Speaker Registration/Testimony

Speaker Registration/Testimony

Name	Tami Nakasone
Phone	8085513338
Email	taminakasone@yahoo.com
Meeting Date	10-18-2018
Council/PH Committee	Zoning
Agenda Item	Bill 64
Your position on the matter	Oppose
Representing	Self
Organization	
Do you wish to speak at the hearing?	No
Written Testimony	I oppose Bill 64 as written and suggest added language to encourage responsible and respectful building.
Testimony Attachment	
Accept Terms and Agreement	1

From: CLK Council Info
Sent: Wednesday, October 17, 2018 11:06 PM
Subject: Zoning and Housing Speaker Registration/Testimony

Speaker Registration/Testimony

Name	Kiyomi Ka'awa
Phone	808-393-3779
Email	kkawehi@gmail.com
Meeting Date	10-18-2018
Council/PH Committee	Zoning
Agenda Item	Bill 64
Your position on the matter	Support
Representing	Self
Organization	
Do you wish to speak at the hearing?	No
Written Testimony	I oppose Bill 64 as written and suggest added language to encourage responsible and respectful building.
Testimony Attachment	
Accept Terms and Agreement	1

From: CLK Council Info
Sent: Wednesday, October 17, 2018 11:44 PM
Subject: Zoning and Housing Speaker Registration/Testimony

Speaker Registration/Testimony

Name	Nancie Caraway
Phone	808.375.3947
Email	Nancie.caraway@gmail.com
Meeting Date	10-18-2018
Council/PH Committee	Zoning
Agenda Item	Bill 64
Your position on the matter	Comment
Representing Organization	Self
Do you wish to speak at the hearing?	No
Written Testimony	I OPPOSE Bill 64 as written as the unintended result of expediting permits could increase monster homes - and further degrade our communities & encourage illegal structures
Testimony Attachment	
Accept Terms and Agreement	1

From: CLK Council Info
Sent: Thursday, October 18, 2018 1:22 AM
Subject: Zoning and Housing Speaker Registration/Testimony
Attachments: 20181018012145_Bill_64_Bldg_Permits_redline.pdf

Speaker Registration/Testimony

Name	Caroline M.
Phone	8084217038
Email	yourpacifichome@gmail.com
Meeting Date	10-18-2018
Council/PH Committee	Zoning
Agenda Item	Bill 64, comments for improvement
Your position on the matter	Comment
Representing	Self
Organization	
Do you wish to speak at the hearing?	No
Written Testimony	please see the RED line comments in Testimony attachment
Testimony Attachment	20181018012145_Bill_64_Bldg_Permits_redline.pdf
Accept Terms and Agreement	1



A BILL FOR AN ORDINANCE

INTRODUCTORY COMMENTS

General Comment:

This bill appears to be misleading and unenforceable. It may not result in actual building permit streamlining. It is crafted so it looks like building permits will be issued within 60 days but there is absolutely no obligation imposed upon the DPP to process any building permit application, *ever*. In other words, there are no system(s) in place for accountability by the DPP. And, as a result of this, bill 64 may be NO IMPROVEMENT in the building permit processing at the DPP. (E.g. Where is the DPP's motivator to get permits processed in a timely manner? What are the repercussions, if the 60 days set forth in this bill is over, for the DPP?)

The basis 'of the undersigned' contention of zero improvement reasons are enumerated below each relevant section, along with the recommended changes to the text of the Bill that will yield a reasonable enforceable processing time on the DPP and always subject to the building code.

RECOMMENDED CHANGES FOR IMPROVEMENT AND JUSTIFICATIONS (IN BOLD RED)

RELATING TO BUILDING PERMITS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to allow for an expedited process for building permits for one-and two-family dwellings.

SECTION 2. Section 18-2.1, Revised Ordinances of Honolulu 1990, is amended by amending the definition of "[building official]" **Department of Planning & Permitting building permit processing personnel** to read as follows:

Comment: change "building official" to: Department of Planning & Permitting building permit processing personnel or DPP Building Permit Processing Personnel

"[building official]" **Department of Planning & Permitting building permit processing personnel** means the director [and building superintendant] of the Department of Planning and Permitting of the city [or] and all Department of Planning & Permitting personnel hired for the purpose of processing building permit applications for approval. [such person's] [the director's authorized deputy.]

Comment: The bill as originally written appears to be misleading. NO building permit is ever processed by a singular "building official". Every building permit application (except permits issued online, such as fence permits) is routed through multiple DPP divisions and handled by several "building officials". Therefore, as written, a multitude of "Building officials" can literally take up to 60 days each, to process any building permit application. Building permit approvals would still take more than a year. Efficiency in department systems and subcategories of permit types and personnel for each subtype should be addressed in this bill as well.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL 64 (2018) _____

SECTION 3. Chapter 18, Article 5, Revised Ordinances of Honolulu 1990 ("Permit Issuance"), is amended by adding a new section to be appropriately designated by the Revisor of Ordinances and to read as follows:

"Sec. 18-5. Expedited permit processing for one- and two-family dwellings.

- (a) Under the following conditions, the building official shall process **and approve** applications for building permits for one and two-family dwellings within 60 days of **[acceptance]** of the date the owner submits its building permit application to the DPP. If the DPP does not approve the applicant's building permit application within 60 days time, it shall automatically be deemed approved by the DPP, and the DPP shall stamp and approve the application, subject to building code compliance and enforcement described in subsections (a)(1) and (2) below [application submission date]:

Comment: "Acceptance" at the DPP means the date upon which the DPP accepts a set of plans for processing. Acceptance date is very often different from the submission date (the date at which the owner submits the building plans to the DPP for processing).

This means that the DPP could delay or abrogate the processing by asking any question to the applicant, at which time the 60 day clock restarts. This is unfair. The DPP has to modify its policy in a fair and equitable way so that both Applicant and DPP can expedite the approval process in the shortest possible time.

Ideally the applicant will visit the DPP and agree upon the plans for an informal review prior to submitting the plans for processing.

- (1) The applicant utilizes a one-time review process, as defined in subsection (c): and
- (2) The application is prepared and stamped by a duly licensed professional engineer or architect who has not had either a building permit application or plans prepared for submission with a building permit application rejected by the building official more than twice within the previous 12 months.

Comment: Much too general. The DPP needs to spell out the reasons that it can reject plans, and perhaps require them to give a warning or redline the plans and send them back to the applicant and avoid outright rejection. The only reason for plan rejection should be code noncompliant plans. An implementation of more efficient systems should also be taken into consideration (e.g. Online submissions and reviews/processing and linking it to better communication on "Status" of submission/application via email, automated text/calls, etc.)

- .(b). Any work performed under a permit issued pursuant to this section that does not meet the applicable code at final inspection must be corrected within 30 days of issuance of a notice of violation. If the violation is not corrected within the 30-day period, the director shall suspend or revoke the permit as provided in this article.
- .(c) As used in this section, "one time review process" means a process and



CITY COUNCIL
CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL 64 (2018) _____

requirements established by the building official by rule, providing for the
issuance of a building permit after only one review by the building official."



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **64 (2018)** _ _ _

A BILL FOR AN ORDINANCE

SECTION 4. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.

SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

[Handwritten signature]

DATE OF INTRODUCTION:

AUG 09 2018

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____

KIRK CALDWELL, Mayor
City and County of Honolulu